

**Lindsay Ringer - FW: AgWaiverComment**

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**From:** Richard Smith <rrsmith@paraisovineyards.com>  
**To:** "AgOrder@waterboards.ca.gov" <AgOrder@waterboards.ca.gov>  
**Date:** 12/29/2010 4:37 PM  
**Subject:** FW: AgWaiverComment  
**CC:** "norm@montereycfb.com" <'norm@montereycfb.com'>

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A couple of typos corrected after the 4:18 transmission.



**Richard R. Smith**  
President  
Valley Farm Management, Inc  
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**From:** Richard Smith  
**Sent:** Wednesday, December 29, 2010 4:18 PM  
**To:** 'AgOrder@waterboards.ca.gov'  
**Cc:** 'norm@montereycfb.com'  
**Subject:** AgWaiverComment

December 28, 2010

**California State Water Resources Control Board**  
Chairman Charles R. Hoppin  
Executive Director Dorothy Rice  
P.O. Box 100  
Sacramento, CA 95812-0100

**Region 3: Central Coast Regional Water Quality Control Board**

Chairman Jeffrey Young  
Vice Chairman Russell Jeffries  
Roger Briggs, Executive Officer  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA. 93401-7906

Re: Comments on Proposed Ag Waiver

**DRAFT ORDER NO. R3-2011-0006 CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM IRRIGATED LANDS**

To Whom It May Concern:

As I read the SEIR for the new proposed Conditional Waiver, I believe that a cavalier attitude of the staff is revealed in their remarks. From the perspective of the law, the Draft Order includes everything legitimately and therefore we, agricultural operators, have little recourse. They have a strong argument in that regard.

However, the problem is that they do not evaluate or address how to improve the quality of water discharges and they do not propose a system that will improve the development and use of improved

<sup>[1]</sup> BMPs . They do require adherence to standards that are not always appropriate. They require practices—setbacks, buffer strips, habitats, reduced pumping, modified nutrition programs or many of their other proposals—that have not been verified as beneficial to the water discharges in the Central Coast Region 3.

They act as messengers who do not have the responsibility to evaluate the content of their message—no translation, no interpretation, no verification of the utility or achievability of the standards or methods that are contained within the message. They also require changes in the environment (monitoring results) that are not achievable.

Central Coast Water Quality Preservation, Inc and their technical contractors as well as some technical resource agencies have been engaged in a 6-year discussion with growers about how to address the sites <sup>[2]</sup> (and sources) of non-compliant water discharges. Various ideas have been developed and many farmers have engaged in trials. We have measurably reduced runoff volumes and chemical applications. We have more ideas for diversions and treatment and/or remediation. We have more growers who want to incorporate work similar to some of the trials that were conducted in 2010.

The 2004 Conditional Waiver provided for change through monitoring, research of new practices in trouble areas and outreach. I do not see how this new proposed order is going to improve that process. In fact, it appears that the increase in documentation and the compliance requirements and costs are likely to result in resistance to changes that have not yet been presented as proven practices—no one wants to be forced to try new practices (that they do not understand) if what they are currently doing has proven to be successful.

We can assume that some farm operators are slow to change and that better technology is absolutely available to them. But, we can also assume that some regulators and administrators have no idea what they are talking about; they would lead growers down the wrong path without careful proof of where their new ‘technology’ works and where it needs to be modified to address local environmental conditions! Successful farmers have not persevered for 20, 30 or 40 years by making bad decisions about how to manage the natural resources that support their livelihood—nevertheless, they do look forward to always making better decisions in the future. Mother Nature is a full time teacher that does not tolerate any lessons unlearned. The only issue is that growers want to make changes based on proof of the new concepts. We can appear to be slow to change.

**So, my comment is that even though the Region 3 Staff has proposed a legal Conditional Waiver, they have not proposed an effective Conditional Waiver.** The CCRWQCB and the Agricultural Community should agree upon a Conditional Waiver that is focused on achieving improved water discharge to “waters of the state”. The Ag working group has proposed an alternative Conditional Waiver that is more appropriate than the one proposed by Region 3 staff. It continues the overall monitoring required in the current Conditional Waiver **and** it requires additional evaluation of practices, measurement of individual site conditions and incorporation of improved practices. It allows the development, testing and application of practices appropriate to specific conditions; it provides opportunity for practices to be proven by application. It requires that measurement of changes be documented.

Work with the Agricultural Community to develop an **effective** Conditional Waiver. Make the proposals of the staff and the proposals of the agricultural community stand the test of scientific review. The standards and the practices adopted in the Conditional Waiver have to be based on achievable science; we cannot achieve improvement with wishful thinking! Region 3 can make local “runoff

water” and “water of the state” achieve the highest quality standards in the state if we work cooperatively to achieve improved conditions.

Sincerely,

Richard R. Smith

President

Valley Farm Management, Inc

Soledad, CA

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[\[1\]](#) Best Management Practices is a term that I do not like to use--Beneficial Management Practices is a better term that implies that some practices are better in a given situation--but not necessarily in every situation

[\[2\]](#) The physical design of farm properties--basins, ditches, irrigated 'natural habitats', percolation ponds for tail water, ambient vegetative remediation of discharges with nutrient and chemical problems, diversion of discharges to treatment and reuse as irrigation water.